



# Georgia

## HOUSE OF REPRESENTATIVES

Wednesday  
March 6,  
2019

# DAILY REPORT

Committee Day

House Budget & Research Office  
(404) 656-5050

- The House will reconvene for its 28th Legislative Day on Thursday, March 7 at 10:00 a.m.
- The Rules Committee will meet at 9:00 a.m.
- 22 bills / resolutions are expected to be debated on the floor.

### **Next on the Floor from the Committee on Rules**

*The Committee on Rules has fixed the calendar for the 28th Legislative Day, Thursday, March 7, and bills may be called at the pleasure of the Speaker. The Rules Committee will next meet on Thursday, March 7, at 9:00 a.m., to set the Rules Calendar for the 29th Legislative Day.*

#### **HB 83    Quality Basic Education Act; recess for students in kindergarten and grades one through five; provide**

**Bill Summary:** House Bill 83 amends O.C.G.A. 20-2-323 to require local boards of education to provide recess, an average of 30 minutes per day, for kindergarten and grades one through five beginning in the 2019-2020 school year. Recess is not required on any school day a student has physical education, structured activity time, or any day when reasonable circumstances may impede recess. Local boards of education will establish policies to ensure recess is safe, scheduled in a manner that allows a break from academic learning, and prohibits recess from being withheld from students as a form of punishment.

**Authored By:** Rep. Demetrius Douglas (78th)  
**House Committee:** Education

**Rule Applied:** Modified-Structured  
**Committee Action:** 03-04-2019 Do Pass by Committee Substitute

#### **HB 91    Hospitals and health care facilities; Federal Bureau of Investigation to retain fingerprints when an agency or entity is participating in the Georgia Bureau of Investigation's program; allow**

**Bill Summary:** HB 91 requires health professionals who are required to submit to a fingerprint-based criminal background check to submit their fingerprints to the Department of Community Health or, in lieu of that, submit evidence that the department determined within the immediate preceding 12 months that there was a satisfactory clearance of their background; however, this time frame does not apply when fingerprints are retained by the department due to its participation in the Georgia Crime Information Center's program of ongoing retention and continuing review of fingerprints and criminal history. This bill also allows the Georgia Bureau of Investigation and Federal Bureau of Investigation to retain fingerprints submitted by a health professional to the Department of Community Health for a fingerprint-based criminal background check.

**Authored By:** Rep. Andrew Welch (110th)  
**House Committee:** Judiciary

**Rule Applied:** Modified-Structured  
**Committee Action:** 02-07-2019 Do Pass

#### **HB 118    Crimes and offenses; transmitting a false alarm; revise offense**

**Bill Summary:** House Bill 118 establishes an offense for making an unlawful request for emergency services assistance. A "request for emergency services assistance" is defined as a report, transmission, or request for assistance to a public safety agency, or to another person, while knowing at the time of

the report that the request is likely to result in the other person making a request to a public safety agency through a public safety answering point.

The bill also includes additional circumstances which constitute an unlawful request for emergency services. The new actions include requests that relate to: an individual who allegedly has committed a criminal act involving the use or threat of physical force or violence; an act constituting an immediate threat to any person's life or safety; and the use of any electronic device or software to alter, conceal, disguise, or attempt to alter, conceal or disguise the location or identity of the person making the request. If bodily harm or death results from the response of a public safety agency, the offender is guilty of a felony. Once convicted, the sentence is imprisonment of at least one year but not more than 10 years, a fine of at least \$5,000, or both.

**Authored By:** Rep. Marc Morris (26th)  
**House Committee:** Public Safety & Homeland Security

**Rule Applied:** Modified-Open  
**Committee Action:** 03-04-2019 Do Pass by Committee Substitute

## **HB 168 Sales and use tax; tangible personal property to certain non-profit health centers; extend exemption for five additional years**

Bill Summary: House Bill 168 extends the exemption of sales and use tax on purchases made by non-profit health centers and non-profit volunteer health centers to June 30, 2024.

**Authored By:** Rep. Darlene Taylor (173rd)  
**House Committee:** Ways & Means

**Rule Applied:** Structured  
**Committee Action:** 02-27-2019 Do Pass

## **HB 198 Health; eliminate certificate of need requirements for all health care facilities except certain long-term care facilities and services**

Bill Summary: House Bill 198 is composed of three main parts. Part I revises provisions of the state's Certificate of Need (CON) requirements. Part II specifies hospital and hospital authority obligations related to: open records and publication requirements; expanded investment options of public funds under certain circumstances; and prohibition of medical use rights by non-profit hospitals. Part III extends the Rural Hospital Tax Credit 2024 with additional requirements for undesignated contributions, public disclosure, and auditing.

Part I revises CON to update the expenditure cap on construction and remodeling from \$2.5 million to \$10 million and on equipment from \$1 million to \$4 million. A new definition for "freestanding emergency department" is added for a stand-alone facility that offers emergency care and has no more than one inpatient bed, or is hospital owned, operates 24-hours a day, provides Medicaid services, and operates under the 'Emergency Medical Treatment and Labor Act' (EMTALA). Freestanding emergency departments are incorporated within the umbrella definition of "health care facility" for the purposes of CON; however, all other freestanding emergency departments are prohibited. The definitions for "joint venture" and "single specialty ambulatory surgery center" (ASCs) are expanded to include cardiology procedures. The expansion of bed capacity without requiring a CON is broadened to allow for a 20 percent or 10-bed increase, whichever is greater, by a hospital with a prior year occupancy rate of 60 percent or greater.

Effective June 30, 2019, the indigent and charity care requirement to be reported to DCH is calculated on the Medicare allowable rate for the unpaid service with a 1.5 multiplier and not the hospital's charge. Hospitals may include up to 15 percent of Medicaid payments toward the uncompensated requirement amount. This calculation becomes effective July 1, 2021 for the purposes of fines and penalties for new facilities or those existing facilities that make CON modifications after that date. These licenses require an agreement to provide indigent and charity care at a level based on the most recent two-year average of the state's net uncompensated care as a percentage of their adjusted gross revenue, but not less than two percent for non-profits; that statewide average requirement is reduced by three percent for for-profit entities, but not less than one percent. For the purposes of calculating indigent and charity care for ambulatory surgery centers, any care provided by a physician with ownership in an ASC in a different setting will count toward the ASC's indigent care requirement proportionate to the amount of ownership; that same care may not be counted toward the care requirement of the other setting.

Penalties for failing to meet the indigent and charity care requirement are assessed at one percent of net revenue for every half percent of care not provided and may include the withholding of any or all disproportionate share hospital (DSH) funds. Penalties collected are deposited into the Indigent Care

Trust Fund (ICTF) to be used for expanding Medicaid eligibility and services, support rural and other providers who serve, as well as provide primary care for the medically indigent. A hospital or health care system with a payer mix of more than 40 percent Medicaid and two percent or more of charity and indigent care, which includes the gap amount between its Medicaid and Medicare reimbursement rates, or an annual inpatient population of catastrophic injury patients over 60 percent are not subject to the penalties, nor are the 25 rural hospitals ranked as the highest in financial need by DCH. "Catastrophic injury" is defined as injuries to the spine, brain, or other paralyzing neuromuscular conditions. A licensee may use up to 15 percent of its Medicaid payments toward uncompensated indigent and charity care.

HB 198 allows a destination cancer hospital to convert to a general hospital with notice to the Department of Community Health (DCH); at that time, the facility is subject to general hospital CON provisions, including the applicable indigent and charity care requirements.

An objection to a new CON license may only be made by: an existing facility of the same type or that substantially offers the same service(s) within a 35-mile radius; or an entity with a competing application in the same batching cycle.

Within the exceptions to Certificate of Need, the non-resident bed limits for continuing care retirement communities that do not take Medicaid are removed. New exceptions are created for substance abuse and mental health facilities and services; public and private psychiatric hospitals; and a freestanding ambulatory surgical center that includes sports training, medical and community education programs, accepts Medicaid and maintains a proven \$25 million or more annual economic impact.

Part II requires a non-profit hospital, hospital-owned or operated authority or the authority's non-profit corporation to increase transparency by prominently posting online the most recent PDF copies of certain federal and state documents, which include audited financial statements for the hospital and its affiliates, which includes all subsidiaries and parent companies. The hospital's statements must distinguish and include allowances, charity care, and net patient revenues for the hospital. The affiliates must provide audited balance sheets that breakout the hospital's operating costs. Posted documents must include the hospital's audited Internal Revenue Service Form 990 with Schedule H, and for those hospitals that are not required to submit this form, one will be designed and provided by DCH. State-specific documents for publication online include the hospital's: annual questionnaire; community benefit report; disproportionate share hospital survey; property holdings with location, use, and value for the fiscal year; loan, bond and debt information; ownership, interest, value, and domicile of any partnerships, holdings, venture, joint venture, or captive insurance companies at the end of each fiscal year; year-end fund balances (less any interest in the foundation) of net assets that distinguish the purposes and any restrictions of those assets; cash reserves; going concern statements; the legal organizational chart showing the relationship of the hospital to its subsidiaries and affiliates; a report listing the 10 highest salaried administrative positions with amount, fringe, titles and other benefits; proof of accreditation(s); and policies for charity and reduced cost care payments and collections. While postings must be updated and filed at least once a year by July 1, the documentation for each year will be available on the website indefinitely and the DCH's website will provide prominent links to each of these. Duplicative reporting is not required in instances when an audit contains multiple parts of these requirements. Failure to comply within 30-days of the deadline results in the suspension of all state funding, and willful violations will be prosecuted.

Part II also provides four additional provisions. Non-profit hospitals may not renew or hold any property for medical use rights. Non-profit hospital authority board members are subject to state conflict of interest laws governing sale and lease transactions. Authorities that have not operated a hospital for seven or more years, have no outstanding debt, and have a corpus of at least \$20 million may invest up to 30 percent of those funds in mutual funds or other collective investments. Finally, the bill clarifies that non-profit hospital authorities are subject to the state's open records requirements.

Part III extends the Rural Hospital Tax Credit through calendar year 2024 for hospitals with an operating margin no greater than 15 percent. It requires DCH to create a manual with the criteria to qualify and submit for the credit, as well as developing and including a formula to rank the hospitals by greatest financial need in the manual. The department will prominently post the: manual; eligible and ranked hospital list determined by December 1st of every year; annual report; total amount received by third-party entities soliciting or managing donors; and a link to the Department of Revenue's donation information on their webpage. This ranked hospital list must also be distributed by any of the third-party entities soliciting or managing donors. Unspecified donations will automatically be applied to the

hospital ranked with the greatest need; should that hospital receive the full amount allowed, the next neediest hospital receives the assistance. The Department of Revenue will also post the list of eligible hospitals by need, as well as the timeline for donations and a monthly update of all designated and undesignated contributions preapproved and received, and the aggregate totals for contributions and available credits. All parties are subject to annual auditing by the state.

The bill is effective upon the governor's signature.

<b>Authored By:</b>	Rep. Matt Hatchett (150th)	<b>Rule Applied:</b>	Modified-Structured
<b>House Committee:</b>	Special Committee on Access to Quality Health Care	<b>Committee Action:</b>	03-01-2019 Do Pass by Committee Substitute

**HB 288 Superior courts; revise the sums that the clerks are entitled to charge and collect for filing documents and instruments pertaining to real estate or personal property**

Bill Summary: HB 288 provides for a \$25 flat fee for the clerks of superior court to charge and collect for filing documents and instruments pertaining to real estate and personal property. The bill amends the fee associated with filing maps or plats from \$7.50 per page to a flat \$10 fee for each filing. For any instrument that includes a request for cancellation, satisfaction, release or assignment of more than one instrument, the bill creates a flat \$5 fee for each instrument. The bill also creates a \$5 fee for page one of the filing of a tax lien by a state or local government agency, with a \$2 fee for each additional page. In addition, for each tax cancellation, satisfaction, release, notice, withdrawal, or other document referencing a previously filed tax lien, the bill creates a \$2 fee for each previous tax lien referenced. The bill also updates internal Code sections and clarifies the process for distributing these filing fees.

<b>Authored By:</b>	Rep. Alan Powell (32nd)	<b>Rule Applied:</b>	Modified-Structured
<b>House Committee:</b>	Judiciary	<b>Committee Action:</b>	03-01-2019 Do Pass by Committee Substitute

**HB 296 Superior Court of Hall County in the Northeastern Circuit; revise term of court**

Bill Summary: House Bill 296 revises the terms of Hall County Superior Court in the Northeastern Circuit to be the second Monday in January, April, July, and first Monday in October, rather than the first Monday in May and November and the second Monday in January and July.

<b>Authored By:</b>	Rep. Lee Hawkins (27th)	<b>Rule Applied:</b>	Modified-Structured
<b>House Committee:</b>	Judiciary	<b>Committee Action:</b>	03-01-2019 Do Pass by Committee Substitute

**HB 307 Abandoned Motor Vehicle Act; enact**

Bill Summary: House Bill 307 creates the 'Abandoned Motor Vehicle Act.' The intent of the General Assembly is to decrease the burden on businesses that remove abandoned vehicles at the request of law enforcement officers or private property owners.

When an insurance company acquires a motor vehicle after paying out a total loss claim but does not receive, within 30 days, the certificate of title from the vehicle owner, the insurance company is authorized to apply to the Department of Revenue to receive a replacement certificate of title.

When a peace officer discovers an unattended vehicle on a highway or public property, they must immediately perform an unattended vehicle check. Once the check is complete, the officer must attach a completed unattended vehicle check card to the vehicle. The Department of Public Safety will specify the rules and regulations regarding the unattended vehicle check cards and will provide them to law enforcement agencies free of charge if possible. These cards must only be attached to a vehicle by a peace officer. Within 24 hours of completing an unattended vehicle check, the peace officer must contact the Georgia Crime Information Center to determine if the vehicle is stolen. If the vehicle is stolen, the peace officer must notify the law enforcement agency which filed the stolen vehicle report.

If a vehicle has been left unattended on a highway for more than five days or if the vehicle's abandonment poses an immediate threat to public safety or traffic congestion, a peace officer can have the vehicle removed to a safer place. Within one day of the removal, the towing company which tows the vehicle at the request of the peace officer may request from the Department of Revenue the identification of the vehicle owner. The department has five days to provide the requested information and may charge a fee of \$2.00 or less.

Within one day of the removal of an unattended vehicle from private property, the towing company which tows the vehicle at the request of the property owner may request from the Department of Revenue the identification of the vehicle owner. The department has five days to provide the requested information and may charge a fee of \$2.00 or less. After no more than one day, the towing company must submit a copy of the Department of Revenue request to the law enforcement department with jurisdiction over the location that the vehicle was abandoned. Within 24 hours, the local law enforcement department must contact the Georgia Crime Information Center to determine if the vehicle has been reported as stolen. If the vehicle is stolen, the law enforcement officer must contact the law enforcement agency which filed the stolen vehicle report, who will in turn notify the vehicle owner and the towing company. If a salvage dealer has been in possession of a vehicle for seven days with no contact from the owner or insurance company, they may request from the Department of Revenue the identification of the vehicle owner. The department has five days to provide the requested information and may charge a fee of \$2.00 or less.

It is prohibited to remove or tow a vehicle left in a paid private parking lot between midnight and noon of the following day; the parking lot owner can impose a penalty of \$25.00 or less and is not liable for any damage to the abandoned vehicle.

A towing company, repair facility, or salvage dealer must give the vehicle owner up to 15 days after notice is sent to retrieve any items from the vehicle. After 15 days, the towing company, repair facility, or salvage dealer must allow the vehicle owner to retrieve only personal items from the vehicle. Within 15 calendar days of removal, the towing company or salvage dealer must send the owners the notification letter form developed by the Council of Magistrate Court Judges to give notice of the vehicle's location and fees owed. If the identity of the owners cannot be found, the towing company or salvage dealer must place a notice in the local newspaper or the county courthouse for two consecutive weeks. When a vehicle is left with a repair facility for at least 15 days without payment or communication, the repair facility must send the owner the applicable notification letter form developed by the Council of Magistrate Court Judges to give notice of the vehicle's location and fees owed. The towing company, salvage dealer, or repair facility shall have a lien placed on motor vehicles in their possession in the amount of the noticed recoverable fees.

Between 15 days and six months after compliance with the notice requirements, a towing company, repair facility, or salvage dealer may file an action for a statement of claim against the motor vehicle in any magistrate court in the judicial circuit where the vehicle is located. The towing company, repair facility, or salvage dealer must send a copy of the filed claim to any known owners of the vehicle. If the identity of the owners cannot be found, the towing company, repair facility, or salvage dealer must advertise the notice in the local newspaper or the county courthouse for two consecutive weeks. The vehicle owner may file an answer to the claim within 10 days of receipt by using the included answer form. If no answer is filed within the specified time frame, the towing company, repair facility, or salvage dealer may seek to foreclose the lien through a default judgment. If the default judgement is granted by the court, the vehicle will be considered abandoned and within five days the court must transmit an order for the disposition of the motor vehicle. If an answer is returned to the court, a trial deciding whether to foreclose on the lien will be held within 10 days.

After a court order, the towing company, repair facility, or salvage dealer is authorized to sell the vehicle to the highest bidder at public sale. The towing company, repair facility, or salvage dealer will use the proceeds from the sale to satisfy the outstanding lien and cover any costs associated with the advertisement and sale of the vehicle. The remaining proceeds will be submitted to the Department of Revenue as unclaimed property.

The purchaser of a motor vehicle at such a public sale will receive a certified copy of the court order authorizing the sale. The purchaser will be able to obtain a clear title from the Department of Revenue by meeting specified requirements.

Once the vehicle proceeds have been turned over to the Department of Revenue as unclaimed property, any person claiming a property interest in the motor vehicle sold and the excess funds from the sale must make a claim within six months of the sale. If no claim is made within six months, the person who sold the motor vehicle can make a claim for the excess funds until one year from the date of the deposit of excess funds.

**Authored By:** Rep. Alan Powell (32nd)  
**House Committee:** Motor Vehicles

**Rule Applied:** Modified-Structured  
**Committee** 02-26-2019 Do Pass by Committee  
**Action:** Substitute

**HB 311 State government; waiver of sovereign immunity as to actions ex contractu and state tort claims; provisions**

Bill Summary: House Bill 311 provides a limited waiver of sovereign immunity for declaratory and injunctive relief against the state in Part 1 and against all other political subdivisions, including counties and municipalities, in Part 2. Part 3 addresses the limited waiver for quiet title claims, which is the process used to clear any 'cloud' on the plaintiff's title to property, against the state or its political subdivisions. Part 4 addresses judgments and rulings deemed directly appealable with regard to sovereign immunity.

The waiver in Part 1 is limited to claims against the state, a state governmental entity, officer, or employee in his or her official capacity to remedy, through declaratory of injunctive relief, injuries caused or that may imminently be caused either in violation of state law, the Constitution of Georgia, or the Constitution of the United States or by enforcement of a state statute on the basis that the statute violates the Constitution of Georgia or the Constitution of the United States. The waiver applies only if: the aggrieved person provides 30-days' written notice to the attorney general of the aggrieved person's intent to file such a suit; the court is provided proof of service upon the attorney general or his or her designee and the state governmental entity that is charged with enforcing the state statute being challenged; and the suit for which notice has been provided and filed no later than 90 days after the notice has been provided.

Part 1 clarifies official immunity for state officers and employees, who shall not be subject to a suit in his or her individual capacity for performance or non-performance of official duties. When a suit names a state officer or employee in his or her individual capacity, under proper motion the court shall substitute as the party defendant such officer or employee in his or her official capacity, unless the suit is expressly authorized by state statute or federal law or the suit alleges the officer's or employee's conduct was outside of his/her scope of authority, unconstitutional, or illegal, in which case official immunity is waived.

The waiver of sovereign immunity in Part 2 is limited to claims against a county, municipal corporation, consolidated government, or school district of this state to remedy, through declaratory of injunctive relief, injuries caused to an aggrieved person or that may imminently be caused either by such political subdivisions acting without lawful authority, beyond the scope of its official power, or in violation of the Constitution of Georgia, the Constitution of the United States, a state statute, a rule or regulation, or a local ordinance, or by the award of a proposed agreement with a political subdivision or an officer or employee in his or her official capacity, so long as the suit is filed no later than 10 days from the date that the award is made public. Additionally, the bill clarifies that sovereign immunity is waived for claims against political subdivisions for breach of contract. Part 2 also creates a 30-day written notice requirement.

Additionally, the state and its political subdivision's defense of sovereign immunity, including municipal corporations, is waived in quiet title proceedings within Part 3. When a clear title to property or an instrument is held by the state or any state entity, notwithstanding any law to the contrary, the pleadings shall be served on the attorney general and the state or any department, agency, commission, board, authority, or state entity allegedly holding such title. If the attorney general does not file a responsive pleading in such actions then the court shall accept the state's acquiescence to the petitioner's filed claim for relief.

Lastly, all judgments, orders, or rulings denying or refusing to grant immunity to one or more parties based upon sovereign, official, or qualified immunity are directly appealable to the Supreme Court of Georgia and the Court of Appeals, provided that the right to direct appeal shall not be exercised by any one party more than once in a case.

**Authored By:** Rep. Andrew Welch (110th)  
**House Committee:** Judiciary

**Rule Applied:** Structured  
**Committee** 03-04-2019 Do Pass by Committee  
**Action:** Substitute

**HB 325 Law enforcement officers and agencies; records of investigation of an officer by the Georgia Peace Officer Standards and Training Council shall be retained for 30 years; provide**

Bill Summary: House Bill 325 requires the records of an investigation of an officer by the Peace Officer Standards and Training Council be retained for 30 years following the date that the investigation was deemed concluded. After 30 years, the records may be destroyed.

**Authored By:** Rep. Heath Clark (147th)  
**House Committee:** Public Safety & Homeland Security

**Rule Applied:** Modified-Structured  
**Committee Action:** 03-04-2019 Do Pass by Committee Substitute

**HB 332 Agriculture; service of the Commissioner of Agriculture and the president of the Georgia Farm Bureau Federation as ex officio members; revise provisions**

Bill Summary: HB 332 allows for the commissioner of the Department of Agriculture to appoint a designee to serve on agricultural commodity commissions, except for the Agricultural Commodity Commission for Peanuts.

**Authored By:** Rep. Steven Meeks (178th)  
**House Committee:** Agriculture & Consumer Affairs

**Rule Applied:** Modified-Structured  
**Committee Action:** 03-01-2019 Do Pass by Committee Substitute

**HB 337 Georgia Peer-to-Peer Car-Sharing Program Act; enact**

Bill Summary: HB 337 is known as the 'Georgia Peer-to-Peer Car-Sharing Program Act'. A peer-to-peer car-sharing program must assume liability of a shared vehicle owner for any bodily injury or property damage to third parties in the amount set forth in the car-sharing program agreement not less than \$25,000 for one person in one accident and not less than \$50,000 for two or more people in one accident, unless the shared vehicle owner made an intentional or fraudulent material misrepresentation to the car-sharing program before the loss occurred. The car-sharing program must ensure that the shared vehicle owner and the shared vehicle driver are insured under an insurance policy that recognizes the vehicle used is made available through a car-sharing program and provides insurance coverage no less than the policy stated above. The car-sharing program will assume primary liability for a claim when the program is in whole or in part providing the insurance or if a dispute exists as to who was in control of the vehicle at the time of the loss. The car sharing program will collect and verify records pertaining to the use of a vehicle and must provide that information upon the request to the shared vehicle owner, insurer, or the shared vehicle driver's insurer to facilitate a claim coverage investigation. The program must retain records for a time period not less than the applicable personal injury statute of limitations. The car-sharing program has the sole responsibility for any equipment that is put in or on the vehicle to monitor or facilitate the car-sharing transaction. Moreover, the program must agree to indemnify a shared vehicle owner for any damage or theft of said equipment during the shared period not caused by the vehicle's owner. At the time when a vehicle owner registers as a shared vehicle, the car sharing program must verify that the vehicle does not have any safety recalls on the vehicle that have not been repaired and notify the owner that the vehicle is not available unless a safety repair has been made for any outstanding safety recalls.

**Authored By:** Rep. Shaw Blackmon (146th)  
**House Committee:** Regulated Industries

**Rule Applied:** Modified-Open  
**Committee Action:** 03-04-2019 Do Pass by Committee Substitute

**HB 353 Insurance; create the crime of staging a motor vehicle collision**

Bill Summary: House Bill 353 creates the crime of staging a motor vehicle collision when the intent is to commit insurance fraud or file a lawsuit. The felony offense shall be punishable by at least one, but no more than 20 years of imprisonment, depending on the nature of the collision.

**Authored By:** Rep. Kasey Carpenter (4th)  
**House Committee:** Insurance

**Rule Applied:** Modified-Structured  
**Committee Action:** 03-04-2019 Do Pass by Committee Substitute

**HB 373 Labor, Department of; employment security; change certain provisions**

Bill Summary: House Bill 373 authorizes the commissioner of the Department of Labor to set the rules and regulations necessary to follow the guidelines set forth in Title 34 of Georgia Code. The bill authorizes the commissioner to require criminal background checks for all Department of Labor employees or employee applicants. The bill also modifies the time frame for a benefit year from a one-year period starting on the day of the claim to a 52-week period starting on the Sunday of or prior to the claim. The bill removes a provision which required employers to notify an employee in writing that their unemployment benefits may be denied if the employee violates the attendance policy. The bill clarifies the penalties for making false statements or misrepresentations when applying for unemployment benefits.

**Authored By:** Rep. William Werkheiser (157th)  
**House Committee:** Industry and Labor

**Rule Applied:** Modified-Open  
**Committee Action:** 02-27-2019 Do Pass

**HB 444 Dual Enrollment Act; enact**

Bill Summary: House Bill 444 renames the 'Move on When Ready Act' as the 'Dual Enrollment Act.' House Bill 444 limits the number of credit hours the dual enrollment program will fund to 30 hours taken during fall and spring semesters, after which additional hours will be lottery-funded and count toward the students' HOPE/Zell Miller Scholarship and HOPE Grant maximum hours. The bill also limits grade-level participation to 11th and 12th graders; however, to continue producing a skilled workforce, 10th grade students may participate in dual enrollment courses provided by the Technical College System of Georgia.

House Bill 444 requires academic advising prior to entering into the dual enrollment program, after taking 15 credit hours, and when the student reaches 30 credit hours. Students may take a maximum of 16 credit hours per semester or quarter equivalent. Dual enrollment courses may be delivered at an eligible postsecondary institution, online, or on a high school campus; provided, however, the instructor is an employee of the postsecondary institution or a high school teacher contracted as an adjunct faculty of the postsecondary institution.

For students currently enrolled in the dual enrollment program, courses taken during the 2019 summer semester will count toward their 30-hour credit hour cap in the dual enrollment program. For all other students, the 30 hours will begin during the fall term of the 2019-2020 academic school year.

The Georgia Student Finance Commission will administer the dual enrollment program and collect data to measure the success of the program. The commission, in consultation with the Office of Planning and Budget, will set the annual rate paid to eligible postsecondary institutions for dual enrollment courses and ensure the private postsecondary institutions' rate shall not be less than the current per credit hour rate as of February 1, 2019.

**Authored By:** Rep. Albert Reeves (34th)  
**House Committee:** Education

**Rule Applied:** Modified-Structured  
**Committee Action:** 03-04-2019 Do Pass by Committee Substitute

**HB 458 Fire protection and safety; use of class B fire-fighting foam for testing purposes if such foam contains a certain class of fluorinated organic chemicals; prohibit**

Bill Summary: House Bill 458 prohibits the use of per- and polyfluoroalkyl substances (PFAS) in Class B firefighting foam during training, unless it is used at a training facility capable of preventing the release of the foam into the environment. The bill does not restrict the use of foam containing PFAS for fire-fighting operations.

**Authored By:** Rep. Joseph Gullett (19th)  
**House Committee:** Natural Resources & Environment

**Rule Applied:** Modified-Open  
**Committee Action:** 03-05-2019 Do Pass

**HB 502 Civil practice; continuances for members of the Board of Regents and the Attorney General; revise**

Bill Summary: HB 502 amends the criteria under which court continuances shall be granted to accommodate the official duties of members of the Board of Regents of the University System of Georgia, members of the State Board of Education, and the attorney general. For members of the Board of Regents or the State Board of Education, the bill allows for continuances during the board's sessions when the member is otherwise occupied as counsel or party in any court case. Current law requires that the member simply be "engaged" as counsel or party in any case at the time of the board's session. For cases in which the attorney general is of counsel, the bill allows for a continuance if the case is scheduled to be called for any reason, rather than the current "for any purpose," during sessions of the General Assembly or 15 days preceding or following such sessions.

**Authored By:** Rep. Andrew Welch (110th)  
**House Committee:** Judiciary

**Rule Applied:** Structured  
**Committee Action:** 03-01-2019 Do Pass

**HB 507 Ad valorem tax; criteria used by tax assessors to determine the fair market value of real property; revise**

Bill Summary: House Bill 507 amends O.C.G.A. 48-5-2, relating to definitions regarding ad valorem taxation of property, by revising the definition of "fair market value" to allow assessors to consider



rather than utilize data that is available for income producing properties when using the income approach to valuing property.

**Authored By:** Rep. Michael Wilensky (79th)  
**House Committee:** Ways & Means

**Rule Applied:** Structured  
**Committee Action:** 03-01-2019 Do Pass by Committee Substitute

#### **HB 512 Agricultural Commodity Commission for Propane; provide**

Bill Summary: House Bill 512 creates the Agricultural Commodity Commission for Propane. The commission will consist of five members, three of whom are elected by the House Committee on Agriculture and Consumer Affairs and two members elected by the Senate Agriculture and Consumer Affairs Committee. All members of the commission must be either a propane dealer or distributor and cannot be a member of the General Assembly.

No more than 10 percent of funds collected can be used for administrative expenses. A referendum is to be held every five years to vote on the continuation of the commission.

**Authored By:** Rep. Sam Watson (172nd)  
**House Committee:** Agriculture & Consumer Affairs

**Rule Applied:** Modified-Open  
**Committee Action:** 03-01-2019 Do Pass

#### **HB 525 Georgia International and Maritime Trade Center; rename to Savannah Convention Center**

Bill Summary: HB 525 changes the name of the Georgia International Maritime Trade Center to the Savannah Convention Center. The bill also creates a state authority, the Savannah-Georgia Convention Center Authority, to operate the center located in Chatham County, Georgia.

The authority has six members appointed by the governor, three members appointed by the Chatham County delegation of the Georgia General Assembly, the president of the Savannah Economic Development Authority, who is an ex-officio member with a vote, and the president of the Savannah Area Convention and Visitors Bureau, who is an ex-officio member with a vote. The appointed members shall serve three-year terms, which stagger over the first three years as follows: three members start with a one-year term, three members start with a two-year term, and three members start with a three-year term. These members shall be appointed by June 1, 2019, and shall take office July 1, 2019.

An executive committee consists of a chairman, vice-chairman, and secretary-treasurer. These positions are elected by the authority members, and five members shall constitute a quorum. Authority members are not entitled to compensation, but are reimbursed for actual costs incurred in performing their duties.

House Bill 525 authorizes the authority to: have a seal; acquire land by purchase, lease, or otherwise; acquire its own name by purchase; employ personnel for administrative duties; make and execute contracts; acquire and manage its own projects logistically and financially; accept funds and/or materials from the state government and federal government; have the ability to lease, sell, exchange, or grant surplus property, both real and personal; inform interested parties on land acquisition and facility developments to take place; procure insurance and liability policies; adopt, change, and repeal its own by-laws; and accept loans limited to \$50 million.

The authority is exempt from paying sales and use taxes on property, and any legal activity shall be brought in the Superior Court of Chatham County. The authority is able to retain any revenue for its own purposes and will be subject to an annual audit of income and expenditures. Should the authority be dissolved for any reason, titles to any property shall be conveyed to the state of Georgia. This authority succeeds the Georgia International and Maritime Trade Center on July 1, 2019.

**Authored By:** Rep. Ron Stephens (164th)  
**House Committee:** Economic Development & Tourism

**Rule Applied:** Modified-Open  
**Committee Action:** 03-05-2019 Do Pass

# Committee Actions

*Bills passing committees are reported to the Clerk's Office and are placed on the General Calendar.*

## Agriculture & Consumer Affairs Committee

### **HB 302 Local government; adopting or enforcing ordinances or regulations relating to or regulating building design elements as applied to one or two-family dwellings; prohibit**

Bill Summary: HB 302 states that no county or municipal corporation may prohibit through an ordinance or regulation any building design elements of one- or two-family dwellings that meet state minimum standard codes. The bill includes exceptions for structures located in a historic district as designated by either the 'Georgia Historic Preservation Act' or the National Register of Historic Places. HB 302 allows for ordinances or regulations that are consistent with the 'Uniform Standards Codes for Manufactured Homes Act' or a condition of participation in the National Flood Insurance Program. The adoption of overlay districts is permitted if a notice is served to all affected property owners and a petition in favor of the district with the signatures of owners representing a majority of the parcels is filed with the county or municipal corporation.

<b>Authored By:</b>	Rep. Vance Smith (133rd)	<b>Committee</b>	03-06-2019 Do Pass by Committee
<b>House</b>	Agriculture & Consumer Affairs	<b>Action:</b>	Substitute
<b>Committee:</b>			

### **HB 371 Uniform rules of the road; securing or containing of live animals in the back of motor vehicles operated on certain highways; require**

Bill Summary: HB 371 prohibits the operation of a vehicle if a live animal is not properly secured while driving on Interstate 285 or any portion of Interstates 20, 75, or 85 or Georgia Highway 400 located inside Interstate 285. A live animal is properly secured if it is in an enclosed space in the vehicle, attached to the vehicle using a harness or cross-tethering, or placed within a container that is secured to the vehicle. Failing to comply with this requirement can incur a fine of \$15.

<b>Authored By:</b>	Rep. Karla Drenner (85th)	<b>Committee</b>	03-06-2019 Do Pass
<b>House</b>	Agriculture & Consumer Affairs	<b>Action:</b>	
<b>Committee:</b>			

## Health & Human Services Committee

### **HB 481 Living Infants Fairness and Equality (LIFE) Act; enact**

Bill Summary: House Bill 481 is known as the 'Living Infants Fairness and Equality (LIFE) Act'. Part I lists out the findings of the Georgia General Assembly that apply to the policy change. Part II requires that, unless otherwise provided by law, any natural person, including an unborn child at any stage of development carried in the womb, is to be included in state population-based determinations.

Part III states that no abortion is authorized or will be performed if the unborn child has been determined to have a human heartbeat unless reasonable medical judgement finds the abortion is: necessary to avert the death of the pregnant woman or avert serious risk of substantial and irreversible physical impairment of a major bodily function of the pregnant woman; necessary to preserve the life of an unborn child; or resulted from rape or incest in which an official police report has been filed alleging the offense of rape or incest and the gestational age is 20 weeks or less.

Part III includes a medically futile exception and requires that abortions after the first trimester must be performed in a licensed hospital, ambulatory surgical center, or in a health facility licensed as an abortion facility by the Department of Community Health. Additionally, an abortion will only be performed by a physician licensed to practice pursuant to Georgia Code. Physician, hospital, or other licensed health facility records will be available to law enforcement agencies within the judicial circuit in which the physician, hospital, or health facility is located. This bill allows that any woman upon whom an illegal abortion is performed may recover damages in a civil action.

Part III also requires the physician, or otherwise qualified agent of the physician, performing the abortion to notify the female at least 24 hours before the abortion with the probable gestational age and presence of a human heartbeat of the unborn child at the time the abortion is to be performed. The Department of Public Health will update its materials and other related information to reflect the changes provided in this act.

Except in the cases of medical emergency, no abortion will be performed or attempted to be performed unless the physician performing such procedure has first made a determination of the presence of a human heartbeat of the unborn child. In addition to any criminal or civil penalties provided by law, failure by any physician to conform to the requirements constitutes unprofessional conduct and may result in medical licensing sanctions.

Part IV adds that for the homicide of a child carried in the womb, the right to recover for the full value of the life of that child begins at the point at which a human heartbeat is present.

Part V provides that an unborn child at any stage of development carried in the womb qualifies as a dependent minor.

Part VI provides that any citizen in Georgia has standing and the right to intervene and defend in any action challenging the constitutionality of any portion of this act, which becomes effective January 1, 2020.

<b>Authored By:</b>	Rep. Ed Setzler (35th)	<b>Committee</b>	03-06-2019 Do Pass by Committee
<b>House</b>	Health & Human Services	<b>Action:</b>	Substitute
<b>Committee:</b>			

#### **HB 514 Georgia Mental Health Reform and Innovation Commission; create**

Bill Summary: House Bill 514 creates the Georgia Behavioral Health Reform and Innovation Commission. The purpose of this commission is to conduct a comprehensive review of the behavioral health system in Georgia. The commission will review the behavioral health services and facilities available; identify behavioral health issues in children, adolescents, and adults; as well as examine the role the education system has in the identification and treatment of behavioral health issues. Additionally, the commission will review the impact behavioral health issues have on: the criminal justice system; the state's homeless population; delivery of care; access to care; the role of payers in such access; and the impact untreated behavioral illness has on children transitioning into adulthood. The commission will conclude its work on June 30, 2023.

<b>Authored By:</b>	Rep. Kevin Tanner (9th)	<b>Committee</b>	03-06-2019 Do Pass by Committee
<b>House</b>	Health & Human Services	<b>Action:</b>	Substitute
<b>Committee:</b>			

#### **HB 578 Human Services, Department of; review of certain law enforcement conviction data with regard to persons seeking to become volunteers, interns, students, or employees; provide**

Bill Summary: House Bill 578 provides that the Department of Human Services may review certain law enforcement conviction data relevant to a person who the department, or its contractors, considers to be a final selectee for employment, or to serve as a volunteer, intern, or student, in a position which involves the duties of direct care, treatment, custodial responsibilities, access to confidential or legally-protected systems or information, or any combination thereof for its clients or for administrative support functions.

<b>Authored By:</b>	Rep. Katie Dempsey (13th)	<b>Committee</b>	03-06-2019 Do Pass
<b>House</b>	Health & Human Services	<b>Action:</b>	
<b>Committee:</b>			

#### **HR 421 Joint Study Committee on Infant and Toddler Social and Emotional Health; create**

Bill Summary: House Resolution 421 creates the Joint Study Committee on Infant and Toddler Social and Emotional Health. This committee stands abolished on December 1, 2019.

<b>Authored By:</b>	Rep. Katie Dempsey (13th)	<b>Committee</b>	03-06-2019 Do Pass
<b>House</b>	Health & Human Services	<b>Action:</b>	
<b>Committee:</b>			

## Industry and Labor Committee

### **HB 110 Labor and industrial relations; payment of wages by check upon the discretion of the employer; provide**

Bill Summary: House Bill 110 allows employers to use discretion over the type of payment methods offered to their employees. The bill removes provisions which require employers who use payroll cards to allow employees to opt out of payroll card payments if they prefer a check or electronic credit transfer.

**Authored By:** Rep. Tom Kirby (114th)  
**House Committee:** Industry and Labor

**Committee Action:** 03-06-2019 Do Pass by Committee Substitute

## Insurance Committee

### **HB 84 Insurance; provide for consumer protections regarding health insurance**

Bill Summary: House Bill 84 adds a new chapter to Title 33, relating to insurance, by providing consumer protections regarding health insurance. The bill establishes new transparency rules between health care providers, including: group practice diagnostic and treatment centers or health centers; physicians; insurers; and all of their respective or prospective patients. These transparency rules, that vary between health care providers, physicians, and insurers, are related to billing, executed participation agreements, providing the patient with out-of-network options and expenses, updating annual lists of charges for items and services, and other related information.

**Authored By:** Rep. Richard Smith (134th)  
**House Committee:** Insurance

**Committee Action:** 03-06-2019 Do Pass by Committee Substitute

### **HB 540 Housing tax credit; add to the list of tax categories eligible for an offset**

Bill Summary: House Bill 540 amends Code Section 33-1-18, relating to the housing tax credit for qualified projects and rules and regulations, by bringing the Georgia low-income housing tax credit in line with the majority state low-income housing tax credit laws by including the insurance retaliatory tax among the credits against the premium tax.

**Authored By:** Rep. Trey Rhodes (120th)  
**House Committee:** Insurance

**Committee Action:** 03-06-2019 Do Pass

## Judiciary Committee

### **HB 317 Collection receptacles; transfer jurisdiction of removal petition from superior court to city or municipal court**

Bill Summary: House Bill 317 allows jurisdiction in city, municipal, magistrate, or superior court for petitions filed regarding removal of collection receptacles.

**Authored By:** Rep. Dewayne Hill (3rd)  
**House Committee:** Judiciary

**Committee Action:** 03-06-2019 Do Pass by Committee Substitute

## Judiciary Non-Civil Committee

### **HB 43 Sexual offenses; persons with supervisory or disciplinary authority; revise crime of sexual assault**

Bill Summary: HB 43 updates and revises the crime of sexual assault by persons with supervisory or disciplinary authority. An individual commits the offense of improper sexual contact by an employee or agent in the first degree when such individual knowingly engages in sexually-explicit conduct with another person whom such employee, agent, or individual knows or reasonably should

have known is contemporaneously: enrolled as a student at a school where he or she is an employee, agent, or under contract; under probation, parole, accountability court, or pretrial diversion supervision, of the office or court in which he or she is an employee, agent, or under contract; a patient in or at a hospital in which he or she is an employee, agent, or under contract; in the custody of a correctional or juvenile detention facility, facility providing services to a person with a disability or child welfare, in which he or she is an employee, agent, or under contract; the subject of a psychotherapy or counseling of such employee or agent; or admitted for care at a sensitive care facility in which he or she is an employee, agent, or under contract. The punishment is imprisonment for not less than one nor more than 25 years, a fine not to exceed \$50,000, and the offender must be placed on the Sexual Offender Registry.

An individual commits the offense of improper sexual contact by an employee or agent in the second degree when such individual knowingly engages in sexual contact, excluding sexually-explicit conduct, with another person whom such employee, agent, or individual knows or reasonably should have known is contemporaneously: enrolled as a student at a school which he or she is an employee, agent, or under contract; under probation, parole, accountability court, or pretrial diversion supervision, of the office or court in which he or she is an employee, agent, or under contract; a patient in or at a hospital in which he or she is an employee, agent, or under contract; in the custody of a correctional or juvenile detention facility, facility providing services to a person with a disability or child welfare, in which he or she is an employee, agent, or under contract; the subject of a psychotherapy or counseling of such employee or agent; admitted for care at a sensitive care facility in which he or she is an employee, agent, or under contract. The punishment is a misdemeanor of high and aggravated nature. Upon a second or subsequent conviction of the offense of improper sexual contact by an employee or agent in the second degree, the person is guilty of a felony with imprisonment for not less than one nor more than five years and must be placed on the Sexual Offender Registry.

**Authored By:** Rep. Ed Setzler (35th)  
**House** Judiciary Non-Civil  
**Committee:**

**Committee** 03-06-2019 Do Pass by Committee  
**Action:** Substitute

**HB 260 Crimes and offenses; home invasion in the first degree to incorporate family violence battery; revise offense**

Bill Summary: HB 260 adds to the burglary Code. If a person enters or remains in the occupied dwelling of another and commits the act of simple battery on the pregnant or elderly, or commits the act of battery on an individual, the violation is punished as burglary in the second degree.

**Authored By:** Rep. Mandi Ballinger (23rd)  
**House** Judiciary Non-Civil  
**Committee:**

**Committee** 03-06-2019 Do Pass by Committee  
**Action:** Substitute

**HB 551 Controlled substances; kratom; provisions**

Bill Summary: HB 551 regulates "kratom," a tropical evergreen known as mitragyna speciosa that contains the alkaloid mitragynine. It is a misdemeanor to transfer possession to those under the age of 18, or for those under 18-years old to possess or buy it. Moreover, to sell kratom, the packaging must: clearly label ingredients; provide notice that the sale or transfer of possession to those under the age of 18 is prohibited; state the amount of mitragynine in the product; state the name and principal mailing address of the manufacturer; provide clear directions for safe use of the product; and note any precautionary statements to the safety and effectiveness of the product.

**Authored By:** Rep. Dewayne Hill (3rd)  
**House** Judiciary Non-Civil  
**Committee:**

**Committee** 03-06-2019 Do Pass by Committee  
**Action:** Substitute

## Committee Meeting Schedule

*This meeting schedule is up to date at the time of this report, but meeting dates and times are subject to change.  
To keep up with the latest schedule, please visit [www.house.ga.gov](http://www.house.ga.gov) and click on [Meetings Calendar](#).*

### Wednesday, March 06, 2019

8:00 AM	<a href="#">INSURANCE</a>	606 CLOB
8:00 AM	<a href="#">AGRICULTURE AND CONSUMER AFFAIRS</a>	403 CAP
9:00 AM	<a href="#">Reeves Subcommittee of Judiciary (Non-Civil)</a>	415 CLOB
10:00 AM	<a href="#">Setzler Subcommittee of Judiciary (Non-Civil)</a>	415 CLOB
11:00 AM	<a href="#">JUDICIARY (NON-CIVIL)</a>	415 CLOB
1:00 PM	<a href="#">RULES</a>	341 CAP
2:00 PM	<a href="#">JUDICIARY (CIVIL)</a>	132CAP
2:30 PM	<a href="#">HEALTH &amp; HUMAN SERVICES</a>	606 CLOB
2:30 PM	<a href="#">JUVENILE JUSTICE</a>	506 CLOB
3:00 PM	<a href="#">INDUSTRY AND LABOR</a>	515 CLOB
3:30 PM	<a href="#">Regulated Industries Regulatory Subcommittee</a>	406 CLOB